

### **REMARKS**

Claims 7-20 have been rejected by the Examiner under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. This rejection is respectfully traversed.

As the Examiner will note claims 5-20 have been amended, in the preambles thereof, to clearly define the present invention. Accordingly, it is believed that this rejection has been eliminated.

Claims 1-6 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Foote et al., U.S. Patent 4,321,854 in view of Onuma et al., U.S. Patent 5,605,036. This rejection is respectfully traversed.

The present invention is directed to a pneumatic tire wherein at least one ply of either the belt layer or the carcass is formed by embedding a metallic cord in the rubber, the cord obtained by shaping a bundle prepared by paralleling a plurality of metallic wires in an unstranded state with a binder of a polymeric material having a melting point of 50°C to 200°C. According to the present invention, when the binder melts during the curing of the molded tire, a clearance is provided between the metallic wires, which clearance makes room for the penetration of the rubber into the clearance or interstices between the metallic wires.

In the Examiner's response to the Applicants' arguments as found in paragraph 6 of the Examiner's final rejection, the Examiner notes that the Applicants have made two basic arguments concerning the rejection of the claims of the present application. In responding to the Applicants' non-analogous art argument, the Examiner states on page 4 of the Office Action letter that the recitation of "for a fishing line" is intended use, just as the Applicants' teachings of "for reinforcing a tire." However, claims 1 and 2 of the present application are not directed to a metallic cord for use in a pneumatic tire but rather to a pneumatic tire per se, containing such a metallic cord. Thus, the claims as presented recited are not directed to the intended use of metallic wires but rather the actual presence of metallic wires in a pneumatic tire. Thus, in this

regard, it is believed that the Examiner's argument is untenable. In any event, it is clear from the Foote et al. patent that the jacket 12 in no way is intended to melt as is the case in the present invention where the binder as shown in Fig. 1 and 3 is intended to melt during the curing of the rubber tire. Thus, it is necessary for the Examiner to completely reconstruct the teachings of the Foote et al. patent in an attempt to suggest the present invention. The Examiner also notes in paragraph 6 of the Office Action letter that the mechanism of the Applicants' invention is structurally distinct from that of the prior art. In this connection it should be noted that in the Preliminary Amendment claim 1 is amended to recite that the binder melts during the curing of the molded tire to provide a clearance between the metallic wires for the penetration of rubber into said clearance. Thus, it is believed that claim 1 clearly shows a mechanism of the Applicants' invention which is structurally different from that of the prior art. Thus, no such features can be found in either the Foote et al. or Onuma et al. patents relied upon by the Examiner in the Office Action letter.

Accordingly, in view of the above amendments and remarks reconsideration of the rejections and allowance of all of the claims of the present application are respectfully requested.

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Respectfully submitted,

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